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Filed : **July 8, 2003**

REMARKS

Claims 1 – 15, 17 – 21, 32 – 36, 40 – 42, 46 – 48, 60 – 68, 70, 74 – 79 and 87 – 101 were pending in the application. By this paper, Applicant has canceled Claim 36 without prejudice, amended Claims 1, 7, 15, 21, 32, 60, 61, 87 – 89, 95, 99 and 101, and added new Claims 102-105. Hence, Claims 1 – 15, 17 – 21, 32 – 35, 40 – 42, 46 – 48, 60 – 68, 70, 74 – 79 and 87 – 105 are presented herein for examination.

New Claims

Applicant has added new Claims 102-103 and 104-105.

Support for Claim 102 can be found, *inter alia*, at page 41, lines 6 – 8 of Applicant's specification as filed.

Support for Claim 103 can be found, *inter alia*, at page 27, lines 13 – 15 of Applicant's specification as filed.

Claim 104 is generally related to existing independent Claim 1. Support for this claim can be found, *inter alia*, at page 27, lines 13-30 of Applicant's specification as filed.

Support for Claim 105 can be found, *inter alia*, at page 27, lines 13-30 of Applicant's specification as filed.

Applicant therefore submits that these new Claims add no new matter, and also distinguish over the art of record.

§102 Rejections

Claim 1 – Per page 2 of the Office Action, Claim 1 stands rejected under 35 U.S.C. Section 102 as being anticipated by Segalowitz (U.S. Pat. No. 5,511,553, hereinafter "Segalowitz"). Applicant has herein amended Claim 1 to include limitations related to selection apparatus adapted to arbitrate between individual ones of said second signals based on relative attributes of said second signals. Support for Applicant's amendment can be found, *inter alia*, at page 40, lines 11 – 14 of Applicant's specification as filed. Applicant submits that Segalowitz in no way teaches or suggests such selection apparatus adapted to arbitrate between the second signals.

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Claim 60 – Per page 2 of the Office Action, Claim 60 stands rejected as being anticipated by Segalowitz. Applicant has herein amended Claim 60 to include limitations relating to at least one digital processor adapted to process at least one of said first and second signals, and having at least one computer program comprising three modules running thereon, the three modules comprising (i) an initialization module; (ii) an operating module; and (iii) a processing module. Support for Applicant's amendment can be found at page 27, lines 13 – 15 of Applicant's specification as filed. Applicant submits that Segalowitz in no way teaches or suggests such functionality or structure.

Claim 87 – Per page 2 of the Office Action, Claim 87 stands rejected as being anticipated by Segalowitz. Applicant has herein amended Claim 87 to include limitations relating to a first interface adapted to select at least one of said plurality of second signal sources based on relative attributes between individual ones of said plurality of second signal sources. Support for Applicant's amendment can be found, *inter alia*, at page 40, lines 12 – 14 of Applicant's specification as filed. Applicant submits that Segalowitz in no way teaches or suggests such an interface or functionality.

Claim 88 – Per page 2 of the Office Action, Claim 88 stands rejected as being anticipated by Segalowitz. Applicant has herein amended Claim 88 such that the claimed apparatus is further adapted for mounting within an equipment rack adapted to receive at least one other module having a different function. Support for Applicant's amendment can be found, *inter alia*, at page 35, lines 7 – 18 of Applicant's specification as filed. Applicant submits that Segalowitz in no way teaches or suggests such functionality.

Claim 101 – Per page 2 of the Office Action, Claim 101 stands rejected as being anticipated by Segalowitz. Applicant has herein amended Claim 101 so that it now recites an ICG monitoring system comprising an external monitoring device adapted to simultaneously communicate with a plurality of substantially mobile ICG modules. Support for Applicant's amendment can be found, *inter alia*, at page 38, lines 10 – 20 of Applicant's specification as filed. Applicant submits that Segalowitz in no way teaches or suggests an ICG monitoring system comprising an external monitoring device adapted to simultaneously communicate with a plurality of substantially ICG modules, let alone mobile modules.

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§103 Rejections

Claim 21 – Per page 3 of the Office Action, Claim 21 stands rejected under 35 U.S.C. Section 103(a) as being unpatentable over Segalowitz in view of Reining (U.S. Pat. No. 5,505,209, hereinafter “Reining”). Applicant has herein amended Claim 21 to include limitations relating to a third interface, operatively coupled to the recited second digital processor, and adapted to output at least data relating to the estimate of CO to a remote monitoring device, said third interface adapted to communicate with said remote monitoring device using a networking protocol adapted for the delivery of packetized data. Support for Applicant’s amendment can be found at Page 39, lines 17 – 29 of Applicant’s specification as filed. Applicant submits that neither Segalowitz nor Reining teaches or suggests, *inter alia*, a networking protocol adapted for packetized data.

Claim 32 – Per page 3 of the Office Action, Claim 32 stands rejected under 35 U.S.C. Section 103(a) as being unpatentable over Segalowitz. Applicant has herein amended the method of Claim 32 to include a step of obtaining a cardiographic waveform from the subject during at least a portion of said act of measuring, said act of obtaining further comprising selecting one or more of a plurality of electrocardiographic (ECG) waveform inputs based on relative attributes of individual ones of said ECG waveform inputs. Support for Applicant’s amendment can be found, *inter alia*, at page 40, lines 12 – 14 of Applicant’s specification as filed. Applicant submits that Segalowitz in no way teaches or suggests such functionality.

Claim 89 – Per page 3 of the Office Action, Claim 89 stands rejected under 35 U.S.C. Section 103(a) as being unpatentable over Segalowitz. Applicant has herein amended Claim 89 to include limitations relating to a debug port for debugging and/or updating the recited first and second software modules. Support for Applicant’s amendment can be found, *inter alia*, at page 25, lines 16 – 19; page 27, line 15; and page 35, lines 12 – 13 of Applicant’s specification as filed. Applicant submits that Segalowitz in no way teaches or suggests such functionality.

Claim 95 – Per page 3 of the Office Action, Claim 95 stands rejected under 35 U.S.C. Section 103(a) as being unpatentable over Segalowitz. Applicant has herein amended Claim 95 to include limitations relating to input/output functions comprising a networking protocol. Support for Applicant’s amendment can be found at Page 39, lines 17 – 29 of Applicant’s

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specification as filed. Applicant submits that Segalowitz does not teach or suggest, *inter alia*, a networking protocol.

Claim 97 – Per page 3 of the Office Action, Claim 97 stands rejected under 35 U.S.C. Section 103(a) as being unpatentable over Segalowitz. Applicant respectfully traverses. Applicant submits that based on its reading of the specification of Segalowitz, Applicant does not believe Segalowitz teaches or suggests a plurality of ICG modules placed in data communication with said transceiver as recited in Claim 97. At most, Segalowitz appears to teach only a single ICG module in data communication with said transceiver. Applicant therefore respectfully submits that the invention of Claim 97 is patentably distinguishable and non-obvious over Segalowitz.

Claim 99 – Per page 2 of the Office Action, Claim 99 stands rejected under 35 U.S.C. Section 103(a) as being unpatentable in view of Segalowitz. Applicant has herein amended Claim 99 to include limitations relating to a first interface adapted to select individual ones of said ECG signals based on relative attributes analyzed between said individual ones of said ECG signals. Support for Applicant's amendment can be found, *inter alia*, at page 40, lines 12 – 14 of Applicant's specification as filed. Applicant submits that Segalowitz in no way teaches or suggests such functionality.

Non-statutory Double Patenting

By this paper, Applicant submits a terminal disclaimer pursuant to 37 C.F.R. 1.321 (b) and (c) to overcome the Examiner's double patenting rejections of Claims 1-15, 17-21, 32-36, 40-42, 46-48, 60-68, 70, 74-79, and 87-101, per page 5, Par. 9 of the Office Action.

Applicant notes that with respect to Claim 94, there are no other substantive grounds for rejection cited by the Examiner, and accordingly Applicant submits that Claim 94 (as well as all other claims presented) is now in condition for allowance.

Other Remarks

Applicant hereby specifically reserves the right to prosecute claims of different or broader scope in a continuation or divisional application.

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Applicant notes that any claim cancellations or additions made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention and responding to the aforementioned restriction election, and not for purposes of overcoming art or for patentability. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such cancellations or additions.

Furthermore, any remarks made with respect to a given claim or claims are limited solely to such claim or claims.

If the Examiner has any questions or comments which may be resolved over the telephone, he is requested to call the undersigned at (858) 675-1670.

Respectfully submitted,

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